

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>P-20-CR-65 (1)</b>
	)	
<b>WILLIAM HOWARD GORNTTO II</b>	)	

**FINDINGS OF FACT AND RECOMMENDATION ON FELONY GUILTY  
PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE**

The District Court referred this matter to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On the 7<sup>th</sup> day of February, 2020, this cause came before the undersigned U.S. Magistrate Judge for Guilty Plea and Allocution of the Defendant, **WILLIAM HOWARD GORNTTO II**, on the **INFORMATION**<sup>1</sup> filed herein charging him with a violation of Title 16 U.S.C. § 3372(d), 3373(d)(3)(A) and Title 18 U.S.C. § 2. The Defendant signed a written consent to plead before the Magistrate Judge. The Court conducted the proceeding in the form and manner prescribed by FED. R. CRIM. P. 11, and finds:

- a) That the Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a U.S. Magistrate Judge subject to final approval and imposition of sentence by the District Court.
- b) That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to FED. R. CRIM. P. 11(c)(2) and 11(c)(1)(C).<sup>2 3</sup>
- c) That the Defendant is fully competent and capable of entering an informed plea,<sup>4</sup> that the Defendant is aware of the nature of the charges and the consequences of the plea,<sup>5</sup> and that

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<sup>1</sup>The Defendant entered a Waiver of Indictment.

<sup>2</sup>**The Court received the plea under the provisions of Rule 11(c)(1)(C), subject to the District Judge's acceptance of the plea.** The agreement provides a specific sentence of three years' probation. There is no agreement as to the term of supervised release or fine.

<sup>3</sup>Per plea agreement, the Defendant will pay \$10,800.00 for the next three years, by paying \$150.00 per month for 36 months to the National Park Foundation and \$150.00 per month for 36 months to the U.S. Fish and Wildlife Service.

<sup>4</sup>The Defendant was admonished as to punishment of up to 5 years' imprisonment, a fine not to exceed \$250,000.00, a maximum term of 3 years' supervised release, and a mandatory special assessment of \$100.

<sup>5</sup>The Defendant was admonished as to the Notice of Government's Demand for Forfeiture and did not contest the forfeiture.

the plea of guilty is a knowing and voluntary plea supported by an independent basis<sup>6</sup> in fact containing each of the essential elements of the offense.

**IT IS THEREFORE**, the recommendation of the undersigned U.S. Magistrate Judge that the District Court accept the plea agreement and the guilty plea of the Defendant, **WILLIAM HOWARD GORNT0 II**, and that **WILLIAM HOWARD GORNT0 II** be finally adjudged guilty of that offense.

The United States District Clerk shall serve a copy of this Proposed Findings of Fact and Recommendation on all parties electronically. In the event that a party has not been served by the Clerk with this Report and Recommendation electronically, pursuant to the CM/ECF procedures of this District, the Clerk is ORDERED to mail such party a copy of this Report and Recommendation by certified mail, return receipt requested. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the Magistrate Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar the party from a de novo determination by the District Court. Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar the aggrieved party from appealing the factual findings of the Magistrate Judge that are accepted or adopted by the District Court, except upon grounds of plain error or manifest injustice.

SIGNED this 7th day of February, 2020.

  
DAVID B. FANNIN  
UNITED STATES MAGISTRATE JUDGE

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<sup>6</sup>The parties agreed to amend the Factual Basis to reflect the correct dates the offence occurred as is reflected in the Information.